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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--|------------------|
| 10/694,071 | 10/27/2003 | Vincent Alan Larsen | 24089-09273 | 3807 |
| 758 | 7590 | 02/12/2007 | | |
| FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041 | | | EXAMINER KOEMPEL THOMAS, BEATRICE L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2132 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/12/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/694,071

Applicant(s)

LARSEN ET AL.

Examiner

Bea Koempel-Thomas

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003 and 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/2/2004, 10/4/2004, 7/22/2005, 12/27/2005, 3/30/2006, 8/18/2006, and 11/20/2006.

DETAILED ACTION

1. Claims 13-20 were added by preliminary amendment filed 15 December 2003.
2. Claims 13-30 were added by preliminary amendment filed 31 May 2005.
3. Notification of Non-compliant amendment was mailed 20 December 2006, because claims 13-20 from the 15 December 2003 amendment were not addressed in the 31 May 2005 amendment, and claims from the 31 May 2005 amendment were improperly numbered.
4. A revised preliminary amendment was filed 8 January 2007, canceling claims 1-20 and renumbering claims added 31 May 2005 as claims as 21-38.
5. Claims 1-20 are canceled in this application.
6. Claims 21-38 are pending and presented for examination.

Objections

Specification

7. The disclosure is objected to because of the following informalities: apparent minor grammatical and typographical errors. For example: "to" lacking [0006] "As another example, consider a database that allows access to databases such as payroll, criminal records, etc., [] which a user has been given access." Duplicate "is" last word page 20 and first word, page 21. Appropriate corrections are requested.

Drawings

8. The formal drawings were received on 1 November 2004.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 27, 33, and all claims dependent thereon are rejected under 35 U.S.C. 101

because the claimed invention is directed to non-statutory subject matter. Claim 27 could reasonably be drawn to functional descriptive material, per se, i.e., *a system comprising modules* may be taken to mean software alone, and as such, claim 27, would be directed to non-statutory subject matter. The specification does not preclude this interpretation. Claim 33 could reasonably be drawn to non-functional descriptive material, per se, i.e., *computer program product having a computer-readable medium having embodied thereon program code* may be taken to mean a program listing recorded on a computer-readable storage medium without any functional interrelationship, and as such, claim 33, would be directed to non-statutory subject matter. The specification does not preclude this interpretation. Further, claims 27, 33, and all claims dependent thereon do not necessarily transform a physical object to a different state or thing nor produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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12. **Claims 21, 26, 27, 32, 33, and 38 rejected under 35 U.S.C. 102(b) as being anticipated by Pouban et al., U.S. Patent No. 4,104,718 (hereinafter "Pouban").**

13. **Regarding claim 21:** Pouban discloses a method of defining rights for controlling access to one or more resources of a computer (col. 3 lines 40-64), comprising:

receiving requests to access a resource from a process (col. 3 lines 16-19);

providing the received requests to an intrusion detection module for determining resource access rights for the process (col. 3 lines 40-52);

receiving from the intrusion detection module, in response to providing the received requests, a description of the resource access rights for the process (col. 3-4 lines 65-10); and

storing data representative of the resource access rights for the process (col. 4 lines 11-16).

14. **Regarding claim 27:** Pouban discloses a system for defining rights for controlling access to one or more resources of a computer (col. 3 lines 40-64), comprising:

an interface module adapted to receive a request to access a resource from a process (col. 3 lines 16-19);

an analysis module (col. 3 lines 52-64) adapted to:

provide the received requests to an intrusion detection module for determining resource access rights for the process (col. 3 lines 40-52);

receive from the intrusion detection module, in response to providing the received requests, a description of the resource access rights for the process (col. 3-4 lines 65-10); and

generate data representative of the resource access rights for the process (col. 4 lines 5-10); and

a memory module adapted to store data representative of the resource access rights for the process (col. 4 lines 11-16).

15. **Regarding claim 33:** Poubian discloses a computer program product having a computer-readable medium having embodied thereon program code for defining rights for controlling access to one or more resources of a computer (col. 3 lines 3-11), comprising:

an interface module adapted to receive a request to access a resource from a process (col. 3 lines 16-19);

an analysis module (col. 3 lines 52-64) adapted to:

provide the received requests to an intrusion detection module for determining resource access rights for the process (col. 3 lines 40-52);

receive from the intrusion detection module, in response to providing the received requests, a description of the resource access rights for the process (col. 3-4 lines 65-10); and

generate data representative of the resource access rights for the process (col. 4 lines 5-10); and

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a memory module adapted to store data representative of the resource access rights for the process (col. 4 lines 11-16).

16. **Regarding claims 26, 32, and 38:** Pouban discloses a method, system, and computer program product as indicated above, wherein receiving a description of the resource access rights of the process from the intrusion detection module comprises:

receiving a behavioral characteristic of the process (col. 3-4 lines 65-4); and

determining the allowable access rights based on the received behavioral characteristic of the process (col. 4 lines 5-10).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. **Claims 22-25, 28-31, and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pouban in view of Trabelsi, U.S. Patent Publication No. 2001/0056494 (hereinafter "Trabelsi").**

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19. **Regarding claims 22, 28 and 34:** Poublan discloses a method, system, and computer program product as indicated above. Poublan does not disclose that storing the data representative of the resource access rights for the process comprises: storing an execution path that identifies the process; or storing a directory path identifying a computer resource that the process is allowed to access.

Trabelsi discloses that storing the data representative of the resource access rights for the process comprises:

storing an execution path that identifies the process [0024]; and

storing a directory path identifying a computer resource that the process is allowed to access [0019-0024].

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Poublan by path storage as taught by Trabelsi in order to optimize access control (*see* Trabelsi [0083]).

20. **Regarding claims 23, 29, and 35:** Poublan discloses a method, system, and computer program product as indicated above. Poublan does not disclose storing a value associated with the directory path, the value describing a type of allowable resource access by the process.

Trabelsi discloses storing a value associated with the directory path, the value describing a type of allowable resource access by the process [0019].

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Poublan by path storage as taught by Trabelsi in order to optimize access control (*see* Trabelsi [0083]).

21. **Regarding claims 24, 30, and 36:** Poublan discloses a method, system, and computer program product as indicated above. Poublan does not disclose that storing the directory path comprises: representing the directory path using a meta-symbol.

Trabelsi discloses that storing the directory path comprises: representing the directory path using a meta-symbol (Fig. 4 and [0042-0043]).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Poublan by path storage as taught by Trabelsi in order to optimize access control (*see* Trabelsi [0083]).

22. **Regarding claims 25, 31, and 37:** Poublan discloses a method, system, and computer program product as indicated above. Poublan does not disclose that the meta symbol represents one or more items of information selected from the set consisting of: an identification of a user of the process accessing the resource; a path wildcard; a directory wildcard; a character wildcard; and a portion of a name of the resource.

Trabelsi discloses that the meta symbol represents one or more items of information selected from the set consisting of: an identification of a user of the process accessing the resource (Fig. 4, first row, and [0043]); a path wildcard (Fig. 4, last row, and [0043]); a directory wildcard (Fig. 4, last row, and [0043]); a character wildcard (Fig. 4, first row, and [0043]); and a portion of a name of the resource (Fig. 4, second row, and [0043]).

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Therefore it would have been obvious to one skilled in the art at the time of the invention to modify Pouban by path storage using groupings as taught by Trabelsi in order to facilitate access management (*see* Trabelsi [0044]).

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is:

- Hsieh, U.S. Patent No. 5,925,126, regarding security shield implementation in computer system.
- Joshi et al., U.S. Patent No. 7,134,137 B2, regarding providing data to applications from an accessed system.
- Smith et al., U.S. Patent No. 7,017,162 B2, regarding an application program interface for a network software platform.

Please direct any inquiry concerning this communication or earlier communications from the examiner to Bea Koempel-Thomas whose telephone number is 571-270-1252. The examiner can normally be reached on Monday - Thursday & alternate Fridays; 0730 - 1700.

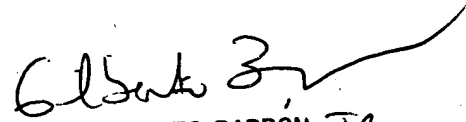
If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, Gilberto Barron, at 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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1/29/2007



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